



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



October 7, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

**PETER J. PITCHESS DETENTION CENTER CLASS III LANDFILL
CLOSURE/POST CLOSURE - APPROVE CLOSURE ACTIVITIES
ESTABLISH FINANCIAL RESOLUTION AS REQUIRED BY THE STATE
C.P. 86482 & 86575
(5th DISTRICT) (3 VOTES)**

**JOINT RECOMMENDATION WITH THE CHIEF ADMINISTRATIVE OFFICE, THAT
YOUR BOARD:**

1. Approve the Peter J. Pitchess Detention Center Class III Landfill Closure and Post Closure Maintenance projects and authorize the Sheriff's Department to implement closure and post closure maintenance.
2. Adopt and instruct the Chair of the Board to execute the attached Financial Resolution, which will establish a trust agreement to provide assurance of funds for closure and post closure maintenance of the Peter J. Pitchess Detention Center Class III Landfill. This is a requirement by the California Integrated Waste Management Board Code of Regulation governing operations at the Peter J. Pitchess Detention Center Class III Landfill.
3. Authorize and instruct the Auditor-Controller to set up and maintain an interest-bearing trust account as required by the Financial Resolution.
4. Approve the attached appropriation adjustment to reduce funds from the existing Landfill Closure and Post Closure Maintenance capital projects

A Tradition of Service

numbers 86482 and 86575 in the amounts of \$1,501,000 and \$1,705,000, respectively, and increase the General Fund's Reserve for Restricted Assets account for establishment of the trust account.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will allow the Sheriff's Department to proceed with Closure and Post Closure Maintenance of the Peter J. Pitchess Detention Center Class III Landfill in accordance with California Integrated Waste Management Board (CIWMB) requirements.

On February 20, 1996, your Board awarded a consultant services agreement to Bryan A. Stirrat & Associates for a fee, not to exceed \$127,150, to prepare a Final Closure/Post Closure Maintenance Plan (Closure Plan) for the landfill to comply with the CIWMB regulations on landfill closure. The Closure Plan, which includes closure activities over a 30-year term, has been completed and submitted to the CIWMB. Approval by the CIWMB; however, is pending execution of the attached Financial Resolution which provides assurance that the County will adequately fund the Closure Plan.

Upon approval of the Financial Resolution by your Board, a Reserve for Restricted Assets will be established by the Auditor-Controller to fund the Closure Plan's anticipated costs. The reserve will be managed by the Auditor-Controller with direction from the Chief Administrative Office.

Once the Closure/Post Closure Maintenance Plan has been approved by the CIWMB, the Sheriff's Department and the Chief Administrative Office will return to your Board to award an engineering contract and subsequently, a construction contract for the Closure and Post Closure Maintenance of the Class III Landfill.

Implementation of County Strategic Plan Goals

Approving this financial resolution will meet the County's Strategic Plan Goal for Service Excellence as it provides steps necessary for Closure and Post Closure maintenance activities to close the landfill.

FISCAL IMPACT/FINANCING

The total project cost including design, closure, and post closure maintenance of the landfill, interim measures, and County services is estimated at \$3,722,000. Based on estimates and formulas that were developed by the CIWMB, it is anticipated that \$1,501,000 will be expended to cap the landfill during the first two years of the Closure Plan. The remaining \$1,705,000 will be expended for the post closure maintenance over a 30-year period.

The 2003-04 Capital Project budget currently appropriates \$3,206,000 in net County cost and \$516,000 in revenue from the Asset Development Implementation Fund for this project. Approval of the attached appropriation adjustment will transfer \$1,501,000 from the Landfill Closure capital project (C.P. 86482) and \$1,705,000 from the Post Closure Maintenance capital project (C.P. 86575), to the Reserve for Restricted Assets that will be established in the General Fund by the Auditor-Controller for the Closure Plan at the Peter J. Pitchess Detention Facility. The balance of \$516,000 will remain in the capital project budget to fund County and engineering services. The Reserve account will be interest bearing and will be used for project costs.

The funds in the Reserve for Restricted Assets Account will be reviewed annually by the CIWMB to ensure that sufficient funds are available for closure and post closure maintenance activities. The County will be required to deposit additional funds should the recommended actions, and the interest earned thereon, are insufficient to meet the Closure Plans actual costs. The project schedule and budget summary are provided in Enclosure A.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A CIWMB Trust Agreement, previously approved as to form by County Counsel, will be used for this agreement. The trust agreement meets the requirements of CIWMB code of regulation governing landfill closure and post closure maintenance.

ENVIRONMENTAL DOCUMENTATION

In July 1998, the County of Los Angeles Department of Health Services, Solid Waste Management Program (the project lead agency for California Environmental Quality Act Documentation), prepared an Initial Study/Mitigated Negative Declaration to assess environmental impacts resulting from the closure of the Landfill. The Notice of Intent to Adopt a Negative Declaration was published by the California Newspaper Services

Bureau at the end of July 21, 1998, and was posted by the County Clerk of Los Angeles from August 17, 1998 through September 16, 1998. A Notice of Completion was filed with the State Clearinghouse for State review from August 3, 1998 through September 2, 1998. A letter from the CIWMB was received during the review period that acknowledged the review of the document and offered no comment.

On September 3, 1998, the County of Los Angeles, Department of Health Services, Solid Waste Management Program, received a letter acknowledging that the County complied with the State Clearinghouse review requirement for draft environmental documents pursuant to the California Environmental Quality Act.

A Notice of Determination was completed and filed with the California State Department of Planning and Research on August 16, 1999. A copy of the Notice of Determination is on file with the Los Angeles County Sheriff's Department.

CONTRACTING PROCESS

Not applicable.

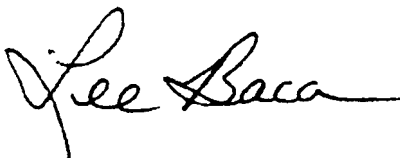
IMPACT ON CURRENT SERVICES

There will be no negative impact on current Sheriff services or projects during the performance of the recommended services.

CONCLUSION

Please return one (1) adopted copy of this letter to the Sheriff's Department, Facilities Planning Bureau, and the Chief Administrative Office, Capital Projects.

Respectfully submitted,



LEROY D. BACA
SHERIFF



DAVID E. JANSSEN
Chief Administrative Officer

ENCLOSURE A

**PETER J. PITCHESS DETENTION CENTER CLASS III LANDFILL
APPROVAL OF CLOSURE/POST CLOSURE MAINTENANCE ACTIVITIES
ESTABLISHMENT OF FINANCIAL RESOLUTION**

PROJECT SCHEDULE

Project Activity	Estimated Completion Date
Program	October 2003
Design	October 2004
Bid Award	July 2005
Construction	February 2006
Substantial Completion	February 2006
Acceptance	April 2006
Post Closure Maintenance	April 2036

ENCLOSURE A

**PETER J. PITCHESS DETENTION CENTER CLASS III LANDFILL
APPROVAL OF CLOSURE/POST CLOSURE MAINTENANCE ACTIVITIES
ESTABLISHMENT OF FINANCIAL RESOLUTION**

II. PROJECT COST SUMMARY

Budget Category	Current Budget		Impact of this Action		Revised Budget	
	Closure 86482	Maint. 86575	Closure 86482	Maint. 86575	Closure 86482	Maint. 86575
Construction	1,311,000		(1,311,000)			
Consultant Services	396,000	2,000,000	(190,000)	(1,705,000)	206,000	295,000
County Services	15,000				15,000	
TOTAL	\$1,722,000	\$2,000,000	(1,501,000)	(1,705,000)	221,000	295,000

FINANCIAL RESPONSIBILITY AGREEMENT

The parties to this Financial Responsibility Agreement (AGREEMENT) are the State of California Integrated Waste Management Board (BOARD) and the County of Los Angeles (COUNTY).

RECITALS

(1) The BOARD and the COUNTY wish to enter into an agreement to provide assurance of funds for the closure and post closure maintenance of the County of Los Angeles, Peter J. Pitchess Class III Landfill, (SWIS No. 19-AA-0057) (PROJECT).

(2) The purpose of this AGREEMENT is to provide the terms and conditions for the deposit by the County of Los Angeles Auditor-Controller (Auditor-Controller) of three million two hundred-six thousand dollars and 00/100 (\$3,206,000) (FUNDS) into a Trust Account (TRUST ACCOUNT) established pursuant to the provisions of Title 27 California Code of Regulations (CCR) Sections 22206, 22211 and 22228, to assure the BOARD that the FUNDS and their earnings will be available in a timely manner as set forth in this AGREEMENT when needed to meet required expenses of the PROJECT pursuant to the closure and post-closure maintenance plan approved by the BOARD (CLOSURE AND POST-CLOSURE). The TRUST ACCOUNT shall be and remain inviolate against all other claims, including the claims of the County of Los Angeles or its Board of Supervisors or creditors thereof, it being the intent of this AGREEMENT that the mechanism established provide protection equivalent to a trust fund. The TRUST ACCOUNT shall be titled the "Pitchess Landfill Trust Acct."

SECTION I

COUNTY AGREES:

(1) To deposit the FUNDS into the TRUST ACCOUNT and to maintain the TRUST ACCOUNT within the Treasury of the County of Los Angeles on a basis consistent with Government Code Section 27100.1. The TRUST ACCOUNT shall be invested in the manner provided by law and any interest and profits thereon (EARNINGS) become part of the TRUST ACCOUNT.

(2) To request disbursement of FUNDS from this TRUST ACCOUNT only in accordance with activities specified in the CLOSURE AND POST-CLOSURE plan.

(3) To request advance disbursement of FUNDS from the Auditor-Controller, as specified in the California Code of Regulations 27 CCR 21800 (d) (1) or (2), based on an executed contract or agreement for services for activities to be performed in accordance with the most recently approved CLOSURE AND POST-CLOSURE plan.

(4) To make payments from the TRUST ACCOUNT by and through the Auditor-Controller to perform the CLOSURE AND POST-CLOSURE pursuant to requests granted in writing by the BOARD (CIWMB) in accordance with 27 CCR 22234.

(5) To designate the FUNDS and EARNINGS to be held in trust for the benefit of the BOARD to perform the CLOSURE AND POST-CLOSURE until such time as disbursed pursuant to Sections I (2), II (1), or III (3) of this AGREEMENT, or until this AGREEMENT ends or is terminated.

(6) To furnish semi-annual progress reports to the BOARD, prepared by the Los Angeles County Sheriff, to demonstrate that expenditures of FUNDS from the TRUST ACCOUNT were made in accordance with the most recently approved closure plan and post closure maintenance plan for the PROJECT, and to include:

(i) as appropriate, a revised closure cost estimate prepared as specified by 27 CCR 21820;

(ii) as appropriate, a post-closure maintenance cost estimate prepared as specified by 27 CCR 21840; and

(iii) a statement of financial activity for the TRUST ACCOUNT, signed by the Auditor-Controller, including its current balance.

(7) Consistent with the provisions of Government Code Section 27100.1 and all other applicable laws, to acknowledge the right of the BOARD to the FUNDS and any interest and profits from said FUNDS for CLOSURE AND POST-CLOSURE as superior to any lien or claim of lien by any third-party against said FUNDS, that may be made in the future against the FUNDS.

SECTION II

BOARD AGREES:

(1) In the event that the COUNTY fails to perform the CLOSURE AND POST-CLOSURE described in the CLOSURE AND POST CLOSURE plan following reasonable written notice from the BOARD, the BOARD shall be entitled to moneys from the FUNDS in the TRUST ACCOUNT in amounts sufficient to reimburse the BOARD for services or supplies that the BOARD expends to fulfill the most recently approved closure and post closure maintenance plan for the PROJECT. The COUNTY shall pay the BOARD said moneys from the FUNDS within fifteen (15) days of the BOARD's written request and submission to the COUNTY of documentation of BOARD's expenditure made pursuant to the most recently approved closure and post closure maintenance plan for the PROJECT.

(2) The BOARD shall grant requests for disbursements in a timely manner for the PROJECT pursuant to 27 CCR 22234.

SECTION III

THE PARTIES AGREE:

(1) The BOARD shall not be charged for any services or out-of-pocket expenses incurred in carrying out this AGREEMENT.

(2) All EARNINGS shall be retained as part of the TRUST ACCOUNT unless and until such time that the monies in the TRUST ACCOUNT are needed to fulfill the CLOSURE AND POST-CLOSURE or until this AGREEMENT ends or is terminated.

(3) The COUNTY may withdraw any monies in the TRUST ACCOUNT to the extent the BOARD concurs that the monies to be withdrawn exceed that which is needed to meet required expenses of the CLOSURE AND POST-CLOSURE. The BOARD's concurrence will not be unreasonably withheld and its decision shall be provided to the COUNTY not later than four (4) months following the request to withdraw the excess monies.

(4) This AGREEMENT shall terminate after the BOARD notifies the COUNTY of the termination of the CLOSURE AND POST-CLOSURE pursuant to 27 CCR 22235 or, if a substitution of mechanism is made, pursuant to the criteria of 27 CCR 22227. The COUNTY shall be entitled to all remaining FUNDS and EARNINGS remaining in the TRUST ACCOUNT upon receiving the BOARD's notice that the remaining monies may be released. The BOARD shall not unreasonably delay the giving of such notice.

(5) This AGREEMENT shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto, consistent with the provisions of 27 CCR 22200 *et seq.*

IN WITNESS HEREOF, The parties have executed this agreement on the dates set forth below.

STATE OF CALIFORNIA
Integrated Waste Management Board

COUNTY OF LOS ANGELES
Board of Supervisors

By: _____
Authorized Officer of the Board

By: _____
Chair

Dated: _____

Dated: _____

ATTEST:

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of
the County of Los Angeles

By: _____
Deputy

Dated: _____

APPROVED AS TO FORM AND PROCEDURE:

By: _____
Authorized Counsel of BOARD

Dated: _____

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By:  _____
Deputy

Dated: _____

76N 362M 11/03

COUNTY OF LOS ANGELES
REQUEST FOR APPROPRIATION ADJUSTMENTDEPT'S.
No. 770

DEPARTMENT OF SHERIFF'S DEPARTMENT

Sept. 30, 2003

AUDITOR-CONTROLLER.

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

Peter J. Pitchess Detention Center Class III Landfill
Closure/Post Closure Maintenance
C.P. 86482 & 86575
Supervisory District 5
3 Votes

Financial Sources:

Capital Project-Various
P Pitchess Honor Rancho
Rfurb-PJP Closure III Landfill Closure (5)
Building and Improvements
A01-CP-86482-6014
\$1,501,000.00 Decrease Appropriation

Capital Project-Various
P Pitchess Honor Rancho
Rfurb-Landfill Closure Maintenance(5)
Building and Improvements
A01-CP-86575-6014
\$1,705,000.00 Decrease Appropriation

Financial Uses:

Reserve for Sheriff Pitchess
Landfill
A01-3032
\$3,206,000.00 Increase Appropriation

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF
ADMINISTRATIVE OFFICER FOR—

ACTION

RECOMMENDATION

AUDITOR-CONTROLLER BY

No. 90

SEPT 30 2003

APPROVED AS REQUESTED

AS REVISED

September 30, 2003

APPROVED (AS REVISED):
BOARD OF SUPERVISORS

CHIEF ADMINISTRATIVE OFFICER

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BY

DEPUTY COUNTY CLERK